

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1902-01
Bill No.: HB 809 with HCA 1
Subject: Law Enforcement Agencies; Public Safety Department.
Type: Original
Date: April 10, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety** - divisions of **Missouri Highway Patrol**, **Capitol Police**, **Missouri Water Patrol**, **Office of the Adjutant General**, and **Liquor Control** all state that the proposal would have no fiscal impact on their respective agencies.

In response to similar proposals from previous years, officials from the **Office of the Attorney General** and the **Jefferson City Police Department** assumed there would be no fiscal impact to their respective agencies.

Officials from the **St. Louis Metropolitan Police Department** state the proposal would not fiscally impact their agency.

This proposal states, "any law enforcement agency that has a published and distributed ordinance, administrative rule or regulation or written and distributed policies and procedures, which provides an officer who is subject to punitive action, written notification and citation of the reason for the punitive action and allows the officer to request and have a hearing and the results of such hearing be reduced to writing shall be deemed to be in compliance with this section." **Oversight** assumes that most law enforcement agencies have published and distributed department policies and procedures. While this proposal could result in some procedural changes, Oversight assumes the fiscal impact would be minimal and could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal revises the procedures and guidelines for law enforcement officer discipline. It requires that an officer who is the subject of a punitive action be provided with a written statement of the reason for the punitive action and references to applicable policies and procedures, and allows the officer to make a written request for a hearing within 5 days of receipt of a notice. The hearing must take place before an individual or board as defined by local ordinance, administrative rule or regulation, or agency policies and procedures. The hearing must be scheduled no sooner than 5 days and no later than 10 days after the written request is received. It requires that any voting that takes place at the hearing be done by secret ballot and that the results be reduced to writing and distributed to all parties involved.

The proposal also establishes requirements for interrogation of law enforcement officers who are under investigation. It requires that interrogations be conducted during the officer's on-duty hours or, if necessary, at some other reasonable hour; that the officer be informed of the nature of the investigation and the identity of the officers and other parties participating in the interrogation; and that the officer being interrogated not be subjected to offensive language, threatened with punitive action, or promised a reward in exchange for answering questions. The proposal also requires that the interrogation be recorded and a copy be made available to the investigated officer. It gives law enforcement officers the right to be represented by counsel under certain circumstances during the investigation.

The proposal requires the law enforcement agency to give notice to a law enforcement officer if there is a recommendation for punitive action, and to inform the officer that he or she is entitled to a hearing in front of a hearing or grievance committee. The officer may request a hearing within 5 days of receipt of a written statement and citation of relevant policies and procedures. The proposal establishes certain procedures for conducting hearings and requires that decisions be in writing and distributed to all parties.

The provisions of this proposal shall not apply to any political subdivision which has a review hearing for law enforcement disciplinary actions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

RAS:LR:OD (12/00)

Department of Public Safety
Missouri Highway Patrol
Capitol Police
Missouri Water Patrol
Office of the Adjutant General
Liquor Control
Office of the Attorney General
Jefferson City Police Department
St. Louis Metropolitan Police Department

NOT RESPONDING: Kansas City Police Department

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA
Director

April 10, 2001